

IN RE: PETITION FOR ZONING VARIANCE  
S/S of a 12' wide dirt road  
605' +/- E of Bernoudy Road,  
2,000' +/- SE of Weisburg Road  
(926 Bernoudy Road)  
7th Election District  
3rd Councilmanic District

\* BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-290-A

Timothy A. Badders, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 26.2 feet for a proposed addition, and 47 feet for the existing dwelling, both in lieu of the required 50 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-tants.

Testimony indicated that the subject property, known as 926 Bernoudy Road, zoned R.C. 4, is currently improved with a one-story ranch style dwelling which has two small bedrooms. Mr. Badders testified they purchased the subject property approximately 18 months ago with the intention of creating additional living space for their family of four. Subse-quent to their purchase and completion of design studies, it was deter-mined that the existing basement could not be used for additional bedroom space. The Petitioners then re-examined the property and the potential location for an addition and determined that the site proposed is the only suitable location due to the location of the existing septic system and well. Mr. Badders presented testimony indicating that the granting of the requested variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of February, 1989 that the Petition for Zoning Variance to permit a side yard setback of 26.2 feet for a proposed addition, and 47 feet for the existing dwelling, both in lieu of the re-quired 50 feet, in accordance with Petitioner's Exhibit 1, be and is here-by GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; how-ever, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be respon-sible for returning, said property to its original condition.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjjs

-2-

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 7th  
Posted for: Variance Date of Posting: 1/18/89  
Petitioner: Timothy A. Badders, et ux  
Location of property: 926 Bernoudy Rd.  
Location of Sign: 926 Bernoudy Rd.  
Remarks: Timothy A. Badders, et ux, 926 Bernoudy Rd.  
Posted by: [Signature]  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner  
Mr. & Mrs. Timothy A. Badders  
926 Bernoudy Road  
White Hall, Maryland 21161

Date: 1/18/89



Dennis F. Rasmussen  
County Executive

Re: Petition for Zoning Variance  
CASE NUMBER: 89-290-A  
55 12 ft. of dirt road, 605' E Bernoudy Road and  
2,000' SE Weisburg Road  
926 Bernoudy Road  
7th Election District - 3rd Councilmanic  
Petitioner(s): Timothy A. Badders, et ux  
HEARING SCHEDULED: WEDNESDAY, JANUARY 25, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Badders:

Please be advised that \$110.29 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 1-25-89 ACCOUNT: 89-290-A-000

AMOUNT: \$ 110.29

RECEIVED BY: J. A. Badders

FOR: Planning and Zoning (89-290-A)

VALIDATION OR SIGNATURE OF CASHIER

post set(s), there each set not

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PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-290-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1803.4.B.4. To allow a side yard setback of 26.2 ft. (for addition) and 47 ft. (existing) in lieu of the required 50 ft.

Our family of four is now sleeping in two small bedrooms of only 231 square feet total. We need to add a third bedroom and this is the only area in which it is practical to build the proposed addition. This will leave a side setback of approx. 26 feet in lieu of the required 50 feet.

Property is to be posted and advertised as prescribed by Zoning Regulations.

The Variance advertising, posting, etc., upon filing of this petition is bound by the zoning regulations and restrictions of Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):  
Timothy A. Badders  
(Type or Print Name)  
Signature  
Donna M. Badders  
(Type or Print Name)  
Signature

926 Bernoudy Road 357-5564  
Address Phone No.

White Hall, Md. 21161  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Timothy A. Badders  
Name

926 Bernoudy Road 357-5564  
Address Phone No.

Attorney's Telephone No.:  
ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of JAN, 1989, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

December 19, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-290-A  
55 12 ft. of dirt road, 605' E Bernoudy Road and  
2,000' SE Weisburg Road  
926 Bernoudy Road  
7th Election District - 3rd Councilmanic  
Petitioner(s): Timothy A. Badders, et ux  
HEARING SCHEDULED: WEDNESDAY, JANUARY 25, 1989 at 2:00 p.m.

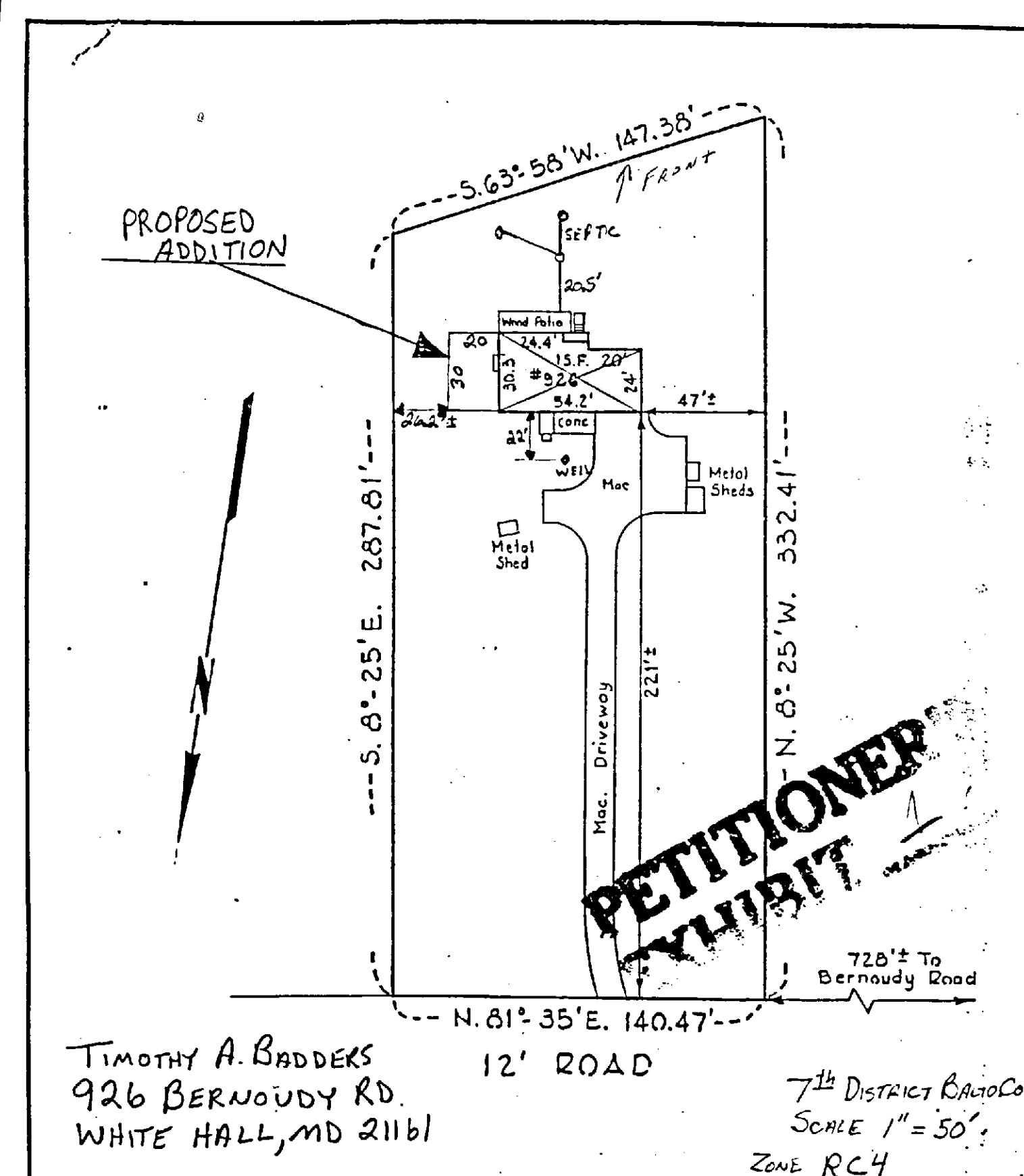
VARIANCE to allow a side yard setback of 26.2 feet (for addition) and 47 ft. (exist-ing) in lieu of the required 50 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
Zoning Commissioner of  
Baltimore County  
cc: Timothy A. Badders, et ux  
File

BEGINNING for the same on the south side of a road 12 feet in width, to be used in common with others entitled thereto, at a point distant 453.09 feet North 81 degrees 35 minutes East from the end of the first or North 81 degrees 35 minutes East 276.20 foot line of that tract of land which by Deed dated July 19, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1579, folio 235, etc., was conveyed by Randolph Jones to Robert L. Van Lyke and wife, and running thence binding on the south side of said road North 81 degrees 35 minutes East 140.47 feet, thence leaving the south side of said road and running for lines of division the three following courses and distances, south 8 degrees 25 minutes East 287.81 feet, south 63 degrees 58 minutes West 147.38 feet, and north 8 degrees 25 minutes west 332.41 feet to the place of beginning. Containing 1.10 acres of land, more or less. The improvements thereon being now known as No. 926 Bernoudy Road.

LIBER # 7653  
FOLIO 826



TIMOTHY A. BADDERS  
926 BERNOUDY RD.  
WHITE HALL, MD 21161

7th DISTRICT BALCO.  
SCALE 1"=50'  
ZONE RC4

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 5, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 5, 1989.

THE JEFFERSONIAN  
TOWSON TIMES,

S. Zake Orlov  
Publisher

PO 07843  
rg M25157  
case 89-290-A  
price \$95.29

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
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2,000' SE Weisburg Road  
926 Bernoudy Road  
7th Election District - 3rd Councilmanic  
Petitioner(s): Timothy A. Badders, et ux  
HEARING SCHEDULED: WEDNESDAY, JANUARY 25, 1989 at 2:00 p.m.



89-290-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
10th day of November, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Timothy A. Badders, et ux  
Petitioner's Attorney \_\_\_\_\_

Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Fire Department  
Towson, Maryland 21204-2386  
494-4500

Paul H. Reinecke  
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Timothy A. Badders, et ux

Location: SS 12' dirt road, 605' +/- E of a point on Bernoudy Road, such point being 2000' +/- SE of Weisburg Road

Item No.: 179

Dennis F. Rasmussen  
County Executive

Zoning Agenda: Meeting of 11/9/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

PREPARED BY: *Pat Keller* 11/24/88 NOTED & APPROVED: *John F. O'Neill*  
Planning Group File Prevention Bureau  
Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 19, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. Timothy A. Badders  
926 Bernoudy Road  
White Hall, Maryland 21161

RE: Item No. 179, Case No. 89-290-A  
Petitioner: Timothy A. Badders, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Badders:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt  
Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
(410) 887-3554

November 25, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dennis F. Rasmussen  
County Executive

ZAC - Meeting of November 9, 1988  
Item Nos. 172, 175, 176, 177, 178, 179, 180, 181, and 182.

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 172, 175, 176, 177, 178, 179, 180, 181, and 182.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

MSP/lvw

RECEIVED  
NOV 29 1988  
ZONING OFFICE

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-2333, 887-3353

J. Robert Haines  
Zoning Commissioner

February 3, 1989

Mr. & Mrs. Timothy A. Badders  
926 Bernoudy Road  
White Hall, Maryland 21161

RE: PETITION FOR ZONING VARIANCE  
S/S of a 12' wide dirt road 605' +/- E of Bernoudy Road,  
1,000' +/- SE of Weisburg Road  
(926 Bernoudy Road)  
7th Election District - 3rd Councilmanic District  
Timothy A. Badders, et ux - Petitioners  
Case No. 89-290-A

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,  
*Ann M. Nastarowicz*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

cc: People's Counsel  
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
TO: Zoning Commissioner Date: January 20, 1989

Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning

Badders  
SUBJECT: Zoning Petition No. 89-290-A

The Office of Planning and Zoning provides no recommendation on the above petition. No variances, however, should be approved that would violate the existing lot coverage requirements provided in the RC-4 zone.

PK/sf

RECEIVED  
JAN 23 1989  
ZONING OFFICE